

FILED IN OPEN COURT
U.S.D.C. - Atlanta

FEB 15 2017

By: JAMES N. HATTEN, Clerk
AL Deputy ClerkIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

UNITED STATES OF AMERICA

v.

FRANKLIN LEE CLARK GILMORE

Criminal Indictment

No. **4:17-CR-003**

THE GRAND JURY CHARGES THAT:

Count One

On or about March 16, 2014, in the Northern District of Georgia, the defendant, FRANKLIN LEE CLARK GILMORE, did knowingly receive at least one visual depiction of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), said depictions having been (a) produced using minors engaging in sexually explicit conduct, and (b) shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer and cellular telephone, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

Count Two

On or about January 31, 2016, in the Northern District of Georgia, the defendant, FRANKLIN LEE CLARK GILMORE, did knowingly distribute at least one visual depiction of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), using any means or facility of

interstate and foreign commerce, said depictions having been (a) produced using minors engaging in sexually explicit conduct, and (b) shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer and cellular telephone, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

Count Three

On or about March 2, 2016, in the Northern District of Georgia, the defendant, FRANKLIN LEE CLARK GILMORE, did knowingly possess at least one computer and computer storage device which contained at least one visual depiction of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), said depiction (a) having been produced using a minor engaging in sexually explicit conduct, (b) involving at least one prepubescent minor and at least one minor who had not attained 12 years of age, and (c) having been produced using materials which have been shipped and transported in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

Forfeiture

Pursuant to Title 18, United States Code, Section 2253, upon conviction of any of the offenses charged in Counts One and Two of this Indictment, the

defendant, FRANKLIN LEE CLARK GILMORE, shall forfeit to the United States of America:

1. Any visual depiction described in Title 18, United States Code, sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;
2. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and
3. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

If any of the property described above, as a result of any act or omission of the defendant, FRANKLIN LEE CLARK GILMORE:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title

18, United States Code, Section 2253(b) and by Title 28, United States Code, Section 2461(c).

A True BILL

FOREPERSON

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